

**SENATE, No. 1217**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 3, 2022

**Sponsored by:**

**Senator CHRISTOPHER J. CONNORS**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Prevents use of condemnation to acquire residential and other private property under redevelopment laws.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the condemnation of certain property and  
2 amending and supplementing P.L.1992, c.79.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
8 read as follows:

9 3. As used in this act:

10 "Bonds" means any bonds, notes, interim certificates, debentures  
11 or other obligations issued by a municipality, county,  
12 redevelopment entity, or housing authority pursuant to P.L.1992,  
13 c.79 (C.40A:12A-1 et al.).

14 "Condemnation" means the taking of private property under the  
15 power of eminent domain pursuant to the "Eminent Domain Act of  
16 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

17 "Comparable, affordable replacement housing" means newly-  
18 constructed or substantially rehabilitated housing to be offered to a  
19 household being displaced as a result of a redevelopment project,  
20 that is affordable to that household based on its income under the  
21 guidelines established by the Council on Affordable Housing in the  
22 Department of Community Affairs for maximum affordable sales  
23 prices or maximum fair market rents, and that is comparable to the  
24 household's dwelling in the redevelopment area with respect to the  
25 size and amenities of the dwelling unit, the quality of the  
26 neighborhood, and the level of public services and facilities offered  
27 by the municipality in which the redevelopment area is located.

28 "Development" means the division of a parcel of land into two or  
29 more parcels, the construction, reconstruction, conversion,  
30 structural alteration, relocation, or enlargement of any building or  
31 other structure, or of any mining, excavation or landfill, and any use  
32 or change in the use of any building or other structure, or land or  
33 extension of use of land, for which permission may be required  
34 pursuant to the "Municipal Land Use Law," P.L.1975, c.291  
35 (C.40:55D-1 et seq.).

36 "Electric vehicle charging station" means an electric component  
37 assembly or cluster of component assemblies designed specifically  
38 to charge batteries within electric vehicles by permitting the transfer  
39 of electric energy to a battery or other storage device in an electric  
40 vehicle.

41 "Governing body" means the body exercising general legislative  
42 powers in a county or municipality according to the terms and  
43 procedural requirements set forth in the form of government  
44 adopted by the county or municipality.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 "Housing authority" means a housing authority created or  
2 continued pursuant to this act.

3 "Housing project" means a project, or distinct portion of a  
4 project, which is designed and intended to provide decent, safe and  
5 sanitary dwellings, apartments or other living accommodations for  
6 persons of low and moderate income; such work or undertaking  
7 may include buildings, land, equipment, facilities and other real or  
8 personal property for necessary, convenient or desirable  
9 appurtenances, streets, sewers, water service, parks, site  
10 preparation, gardening, administrative, community, health,  
11 recreational, educational, welfare or other purposes. The term  
12 "housing project" also may be applied to the planning of the  
13 buildings and improvements, the acquisition of property, the  
14 demolition of existing structures, the construction, reconstruction,  
15 alteration and repair of the improvements and all other work in  
16 connection therewith.

17 "Parking authority" means a public corporation created pursuant  
18 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et  
19 seq.), and authorized to exercise redevelopment powers within the  
20 municipality.

21 "Persons of low and moderate income" means persons or  
22 families who are, in the case of State assisted projects or programs,  
23 so defined by the Council on Affordable Housing in the Department  
24 of Community Affairs, or in the case of federally assisted projects  
25 or programs, defined as of "low and very low income" by the  
26 United States Department of Housing and Urban Development.

27 "Public body" means the State or any county, municipality,  
28 school district, authority or other political subdivision of the State.

29 "Public electric vehicle charging station" means an electric  
30 vehicle charging station located at a publicly available parking  
31 space.

32 "Public housing" means any housing for persons of low and  
33 moderate income owned by a municipality, county, the State or the  
34 federal government, or any agency or instrumentality thereof.

35 "Public hydrogen fueling station" means publicly available  
36 equipment to store and dispense hydrogen fuel to vehicles  
37 according to industry codes and standards.

38 "Publicly assisted housing" means privately owned housing  
39 which receives public assistance or subsidy, which may be grants or  
40 loans for construction, reconstruction, conservation, or  
41 rehabilitation of the housing, or receives operational or maintenance  
42 subsidies either directly or through rental subsidies to tenants, from  
43 a federal, State or local government agency or instrumentality.

44 "Publicly available parking space" means a parking space that is  
45 available to, and accessible by, the public and may include on-street  
46 parking spaces and parking spaces in surface lots or parking  
47 garages, but shall not include: a parking space that is part of, or  
48 associated with, a private residence; or a parking space that is

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1 reserved for the exclusive use of an individual driver or vehicle or  
2 for a group of drivers or vehicles, such as employees, tenants,  
3 visitors, residents of a common interest development, or residents  
4 of an adjacent building.

5 "Real property" means all lands, including improvements and  
6 fixtures thereon, and property of any nature appurtenant thereto or  
7 used in connection therewith, and every estate, interest and right,  
8 legal or equitable, therein, including terms for years and liens by  
9 way of judgment, mortgage or otherwise, and indebtedness secured  
10 by such liens.

11 "Redeveloper" means any person, firm, corporation or public  
12 body that shall enter into or propose to enter into a contract with a  
13 municipality or other redevelopment entity for the redevelopment or  
14 rehabilitation of an area in need of redevelopment, or an area in  
15 need of rehabilitation, or any part thereof, under the provisions of  
16 this act, or for any construction or other work forming part of a  
17 redevelopment or rehabilitation project.

18 "Redevelopment" means clearance, replanning, development and  
19 redevelopment; the conservation and rehabilitation of any structure  
20 or improvement, the construction and provision for construction of  
21 residential, commercial, industrial, public or other structures and  
22 the grant or dedication of spaces as may be appropriate or necessary  
23 in the interest of the general welfare for streets, parks, playgrounds,  
24 or other public purposes, including recreational and other facilities  
25 incidental or appurtenant thereto, in accordance with a  
26 redevelopment plan.

27 "Redevelopment agency" means a redevelopment agency created  
28 pursuant to subsection a. of section 11 of P.L.1992, c.79  
29 (C.40A:12A-11) or established heretofore pursuant to the  
30 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
31 al.), repealed by this act, which has been permitted in accordance  
32 with the provisions of this act to continue to exercise its  
33 redevelopment functions and powers.

34 "Redevelopment area" or "area in need of redevelopment" means  
35 an area determined to be in need of redevelopment pursuant to  
36 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
37 or determined heretofore to be a "blighted area" pursuant to  
38 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
39 determinations as made pursuant to the authority of Article VIII,  
40 Section III, paragraph 1 of the Constitution. A redevelopment area  
41 may include lands, buildings, or improvements which of themselves  
42 are not detrimental to the public health, safety or welfare, but the  
43 inclusion of which is found necessary, with or without change in  
44 their condition, for the effective redevelopment of the area of which  
45 they are a part; except that the boundaries of a redevelopment area  
46 shall not be extended to include property that is legally occupied as  
47 residential property and maintained in accordance with applicable  
48 housing code and construction code standards.

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1 "Redevelopment entity" means a municipality or an entity  
2 authorized by the governing body of a municipality pursuant to  
3 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
4 implement redevelopment plans and carry out redevelopment  
5 projects in an area in need of redevelopment, or in an area in need  
6 of rehabilitation, or in both.

7 "Redevelopment plan" means a plan adopted by the governing  
8 body of a municipality for the redevelopment or rehabilitation of all  
9 or any part of a redevelopment area, or an area in need of  
10 rehabilitation, which plan shall be sufficiently complete to indicate  
11 its relationship to definite municipal objectives as to appropriate  
12 land uses, public transportation and utilities, recreational and  
13 municipal facilities, and other public improvements; and to indicate  
14 proposed land uses and building requirements in the redevelopment  
15 area or area in need of rehabilitation, or both.

16 "Redevelopment project" means any work or undertaking  
17 pursuant to a redevelopment plan; such undertaking may include  
18 any buildings, land, including demolition, clearance or removal of  
19 buildings from land, equipment, facilities, or other real or personal  
20 properties which are necessary, convenient, or desirable  
21 appurtenances, such as but not limited to streets, sewers, utilities,  
22 parks, site preparation, landscaping, and administrative, community,  
23 health, recreational, educational, and welfare facilities, and zero-  
24 emission vehicle fueling and charging infrastructure.

25 "Rehabilitation" means an undertaking, by means of extensive  
26 repair, reconstruction or renovation of existing structures, with or  
27 without the introduction of new construction or the enlargement of  
28 existing structures, in any area that has been determined to be in  
29 need of rehabilitation or redevelopment, to eliminate substandard  
30 structural or housing conditions and arrest the deterioration of that  
31 area.

32 "Rehabilitation area" or "area in need of rehabilitation" means  
33 any area determined to be in need of rehabilitation pursuant to  
34 section 14 of P.L.1992, c.79 (C.40A:12A-14).

35 "Zero-emission vehicle" means a vehicle certified as a zero  
36 emission vehicle pursuant to the California Air Resources Board  
37 zero emission vehicle standards for the applicable model year,  
38 including but not limited to, battery electric-powered vehicles and  
39 hydrogen fuel cell vehicles.

40 "Zero-emission vehicle fueling and charging infrastructure"  
41 means infrastructure to charge or fuel zero-emission vehicles,  
42 including but not limited to, public electric vehicle charging  
43 stations and public hydrogen fueling stations.

44 (cf: P.L.2021, c.168, s.1)

45

46 2. Section 5 of P.L.1992, c.79 (C.40A:12A-5) is amended to  
47 read as follows:

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1       5. A delineated area may be determined to be in need of  
2 redevelopment if, after investigation, notice and hearing as provided  
3 in section 6 of P.L.1992, c.79 (C.40A:12A-6), the governing body  
4 of the municipality by resolution concludes that within the  
5 delineated area any of the following conditions is found:

6       a. The generality of buildings are substandard, unsafe,  
7 unsanitary, dilapidated, or obsolescent, or possess any of such  
8 characteristics, or are so lacking in light, air, or space, as to be  
9 conducive to unwholesome living or working conditions.

10       b. The discontinuance of the use of a building or buildings  
11 previously used for commercial, retail, shopping malls or plazas,  
12 office parks, manufacturing, or industrial purposes; the  
13 abandonment of such building or buildings; significant vacancies of  
14 such building or buildings for at least two consecutive years; or the  
15 same being allowed to fall into so great a state of disrepair as to be  
16 untenable.

17       c. Land that is owned by the municipality, the county, a local  
18 housing authority, redevelopment agency or redevelopment entity,  
19 or unimproved vacant land that has remained so for a period of ten  
20 years prior to adoption of the resolution, and that by reason of its  
21 location, remoteness, lack of means of access to developed sections  
22 or portions of the municipality, or topography, or nature of the soil,  
23 is not likely to be developed through the instrumentality of private  
24 capital.

25       d. Areas with buildings or improvements which, by reason of  
26 dilapidation, obsolescence, overcrowding, faulty arrangement or  
27 design, lack of ventilation, light and sanitary facilities, excessive  
28 land coverage, deleterious land use or obsolete layout, or any  
29 combination of these or other factors, are detrimental to the safety,  
30 health, morals, or welfare of the community.

31       e. A **【growing lack or total】** lack of proper utilization of areas,  
32 in some instances, caused by the condition of the title **【,】** or diverse  
33 ownership of the real properties therein that prevents the **【or other**  
34 similar conditions which impede land assemblage or discourage the  
35 undertaking of improvements, resulting in a stagnant and  
36 unproductive condition**】** productive utilization of land which could  
37 be potentially useful and valuable for contributing to and serving  
38 the public health, safety and welfare, which condition is presumed  
39 to be having a negative social or economic impact or otherwise  
40 being detrimental to the safety, health, morals, or welfare of the  
41 surrounding area or the community in general.

42       f. Areas, in excess of five contiguous acres, whereon buildings  
43 or improvements have been destroyed, consumed by fire,  
44 demolished or altered by the action of storm, fire, cyclone, tornado,  
45 earthquake or other casualty in such a way that the aggregate  
46 assessed value of the area has been materially depreciated.

47       g. In any municipality in which an enterprise zone has been  
48 designated pursuant to the "New Jersey Urban Enterprise Zones

1 Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the  
2 actions prescribed in that act for the adoption by the municipality  
3 and approval by the New Jersey Urban Enterprise Zone Authority  
4 of the zone development plan for the area of the enterprise zone  
5 shall be considered sufficient for the determination that the area is  
6 in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,  
7 c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax  
8 exemptions within the enterprise zone district pursuant to the  
9 provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption  
10 of a tax abatement and exemption ordinance pursuant to the  
11 provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The  
12 municipality shall not utilize any other redevelopment powers  
13 within the urban enterprise zone unless the municipal governing  
14 body and planning board have also taken the actions and fulfilled  
15 the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.)  
16 for determining that the area is in need of redevelopment or an area  
17 in need of rehabilitation and the municipal governing body has  
18 adopted a redevelopment plan ordinance including the area of the  
19 enterprise zone.

20 h. The designation of the delineated area is consistent with  
21 smart growth planning principles adopted pursuant to law or  
22 regulation.

23 (cf: P.L.2019, c.229, s.1)

24

25 3. Section 6 of P.L.1992, c.79 (C.40A:12A-6) is amended to  
26 read as follows:

27 6. a. No area of a municipality shall be determined a  
28 redevelopment area unless the governing body of the municipality  
29 shall, by **【resolution】** ordinance, authorize the planning board to  
30 undertake a preliminary investigation to determine whether the  
31 proposed area is a redevelopment area according to the criteria set  
32 forth in section 5 of P.L.1992, c.79 (C.40A:12A-5). Such  
33 determination shall be made after public notice and public hearing  
34 as provided in subsection b. of this section. The governing body of  
35 a municipality shall assign the conduct of the investigation and  
36 hearing to the planning board of the municipality. The resolution  
37 authorizing the planning board to undertake a preliminary  
38 investigation shall state whether the redevelopment area  
39 determination shall authorize the municipality to use all those  
40 powers provided by the Legislature for use in a redevelopment area  
41 other than the use of eminent domain (hereinafter referred to as a  
42 "Non-Condensation Redevelopment Area") or whether the  
43 redevelopment area determination shall authorize the municipality  
44 to use all those powers provided by the Legislature for use in a  
45 redevelopment area, including the power of eminent domain  
46 (hereinafter referred to as a "Condensation Redevelopment Area").

47 b. (1) Before proceeding to a public hearing on the matter, the  
48 planning board shall prepare a map showing the boundaries of the

1 proposed redevelopment area and the location of the various parcels  
2 of property included therein. There shall be appended to the map a  
3 statement setting forth the basis for the investigation.

4 (2) The planning board shall specify a date for and give notice  
5 of a hearing for the purpose of hearing persons who are interested in  
6 or would be affected by a determination that the delineated area is a  
7 redevelopment area.

8 (3) (a) The hearing notice shall set forth the general boundaries  
9 of the area to be investigated and state that a map has been prepared  
10 and can be inspected at the office of the municipal clerk.

11 (b) If the governing body resolution assigning the investigation  
12 to the planning board, pursuant to subsection a. of this section,  
13 stated that the redevelopment determination shall establish a Non-  
14 Condemnation Redevelopment Area, the notice of the hearing shall  
15 specifically state that a redevelopment area determination shall not  
16 authorize the municipality to exercise the power of eminent domain  
17 to acquire any property in the delineated area.

18 (c) If the resolution assigning the investigation to the planning  
19 board, pursuant to subsection a. of this section, stated that the  
20 redevelopment determination shall establish a Condemnation  
21 Redevelopment Area, the notice of the hearing shall specifically  
22 state that a redevelopment area determination shall authorize the  
23 municipality to exercise the power of eminent domain to acquire  
24 property in the delineated area.

25 (d) A copy of the notice shall be published in a newspaper of  
26 general circulation in the municipality once each week for two  
27 consecutive weeks, and the last publication shall be not less than ten  
28 days prior to the date set for the hearing. A copy of the notice shall  
29 be **mailed** sent by certified mail, at least **ten** 14 days prior to  
30 the date set for the hearing to the last owner, **if any,** of each  
31 parcel of property within the area according to the assessment  
32 records of the municipality. A notice shall also be sent by certified  
33 mail to all persons at their last known address, **if any,** whose  
34 names are noted on the assessment records as claimants of an  
35 interest in any such parcel. The assessor of the municipality shall  
36 make a notation upon the records when requested to do so by any  
37 person claiming to have an interest in any parcel of property in the  
38 municipality. The notice shall be published and mailed by the  
39 municipal clerk by certified mail, or by such clerk or official as the  
40 planning board shall otherwise designate. **Failure to mail any such**  
41 **notice shall not invalidate the investigation or determination**  
42 **thereon.**

43 (4) At the hearing, which may be adjourned from time to time,  
44 the planning board shall hear all persons who are interested in or  
45 would be affected by a determination that the delineated area is a  
46 redevelopment area. All objections to such a determination and  
47 evidence in support of those objections, given orally or in writing,  
48 shall be received and considered and made part of the public record.



1 (5) (a) After completing its hearing on this matter, the planning  
2 board shall recommend that the delineated area, or any part thereof,  
3 be determined, or not be determined, by the municipal governing  
4 body to be a redevelopment area.

5 (b) After receiving the recommendation of the planning board,  
6 the municipal governing body may adopt **【a resolution】** an  
7 ordinance determining that the delineated area, or any part thereof,  
8 is a redevelopment area.

9 (c) Upon the adoption of **【a resolution】** an ordinance, the clerk  
10 of the municipality shall, forthwith, transmit a copy of the **【**  
11 **resolution】** ordinance to the Commissioner of Community Affairs  
12 for review. If the area in need of redevelopment is not situated in  
13 an area in which development or redevelopment is to be encouraged  
14 pursuant to any State law or regulation promulgated pursuant  
15 thereto, the determination shall not take effect without first  
16 receiving the review and the approval of the commissioner. If the  
17 commissioner does not issue an approval or disapproval within 30  
18 calendar days of transmittal by the clerk, the determination shall be  
19 deemed to be approved. If the area in need of redevelopment is  
20 situated in an area in which development or redevelopment is to be  
21 encouraged pursuant to any State law or regulation promulgated  
22 pursuant thereto, then the determination shall take effect after the  
23 clerk has transmitted a copy of the **【resolution】** ordinance to the  
24 commissioner. The determination, if supported by substantial  
25 evidence and, if required, approved by the commissioner, shall be  
26 binding and conclusive upon all persons affected by the  
27 determination.

28 (d) Notice of the determination shall be served, within 10 days  
29 after the determination, upon all record owners of property located  
30 within the delineated area, those whose names are listed on the tax  
31 assessor's records, and upon each person who filed a written  
32 objection thereto and stated, in or upon the written submission, an  
33 address to which notice of determination may be sent.

34 (e) If the governing body resolution assigning the investigation  
35 to the planning board, pursuant to subsection a. of this section,  
36 stated that the redevelopment determination shall establish a  
37 Condemnation Redevelopment Area, the notice of the determination  
38 required pursuant to subparagraph (d) of this paragraph shall  
39 indicate that:

40 (i) the determination operates as a finding of public purpose and  
41 authorizes the municipality to exercise the power of eminent  
42 domain to acquire property in the redevelopment area, and

43 (ii) legal action to challenge the determination must be  
44 commenced within 45 days of receipt of notice and that failure to  
45 do so shall preclude an owner from later raising such challenge.

46 (f) No municipality or redevelopment entity shall exercise the  
47 power of eminent domain to acquire property for redevelopment  
48 purposes within a Non-Condemnation Redevelopment Area.

1 (g) If a municipal governing body has determined an area to be  
2 a Non-Condensation Redevelopment Area and is unable to acquire  
3 property that is necessary for the redevelopment project, the  
4 municipality may initiate and follow the process set forth in this  
5 section to determine whether the area or property is a  
6 Condensation Redevelopment Area. Such determination shall be  
7 based upon the then-existing conditions and not based upon the  
8 condition of the area or property at the time of the prior Non-  
9 Condensation Redevelopment Area determination.

10 (h) A property owner who has received notice pursuant to this  
11 section who does not file a legal challenge to the redevelopment  
12 determination affecting his or her property within 45 days of receipt  
13 of such notice shall thereafter be barred from filing such a challenge  
14 and, in the case of a Condensation Redevelopment Area and upon  
15 compliance with the notice provisions of subparagraph (e) of this  
16 paragraph, shall further be barred from asserting a challenge to the  
17 redevelopment determination as a defense in any condemnation  
18 proceeding to acquire the property unless the municipality and the  
19 property owner agree otherwise.

20 (6) **【The municipality shall, for 45 days next following its**  
21 **determination, take no further action to acquire any property by**  
22 **condemnation within the redevelopment area.】** (Deleted by  
23 amendment, P.L. , c. ) (pending before the Legislature as this  
24 bill)

25 (7) If any person shall, within 45 days after the adoption by the  
26 municipality of the determination, apply to the Superior Court, the  
27 court may grant further review of the determination by procedure in  
28 lieu of prerogative writ; and in any such action the court may make  
29 any incidental order that it deems proper.

30 c. An area determined to be in need of redevelopment pursuant  
31 to this section shall be deemed to be a "blighted area" for the  
32 purposes of Article VIII, Section III, paragraph 1 of the  
33 Constitution. If an area is determined to be a redevelopment area  
34 and a redevelopment plan is adopted for that area in accordance  
35 with the provisions of this act, the municipality is authorized to  
36 utilize all those powers provided in section 8 of P.L.1992, c.79  
37 (C.40A:12A-8), except that a municipality may not acquire any land  
38 or building by condemnation pursuant to subsection c. of that  
39 section unless the land or building is located within (1) an area that  
40 was determined to be in need of redevelopment prior to the  
41 effective date of P.L.2013, c.159, or (2) a Condensation  
42 Redevelopment Area for which the municipality has complied with  
43 the provisions of subparagraph (e) of paragraph (5) of subsection b.  
44 of this section.

45 (cf: P.L.2013, c.159, s.2)

46  
47 4. Section 8 of P.L.1992, c.79 (C.40A:12A-8) is amended to  
48 read as follows:

1        8. Upon the adoption of a redevelopment plan pursuant to  
2 section 7 of P.L.1992, c.79 (C.40A:12A-7) and the fulfillment of  
3 those conditions set forth in section 6 of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill),  
5 the municipality or redevelopment entity designated by the  
6 governing body may proceed with the clearance, replanning,  
7 development and redevelopment of the area designated in that plan.  
8 In order to carry out and effectuate the purposes of this act and the  
9 terms of the redevelopment plan, the municipality or designated  
10 redevelopment entity may:

11        a. Undertake redevelopment projects, and for this purpose issue  
12 bonds in accordance with the provisions of section 29 of P.L.1992,  
13 c.79 (C.40A:12A-29).

14        b. Acquire property pursuant to subsection i. of section 22 of  
15 P.L.1992, c.79 (C.40A:12A-22).

16        c. (1) Acquire, by condemnation, any land or building which is  
17 necessary for the redevelopment project, pursuant to the provisions  
18 of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et  
19 seq.), provided that the land or building is located within [(1)] (a)  
20 an area that was determined to be in need of redevelopment prior to  
21 the effective date of P.L.2013, c.159, or [(2)] (b) a Condemnation  
22 Redevelopment Area, except as provided in paragraph (2) of this  
23 subsection.

24        (2) (a) Land and buildings legally occupied as residential  
25 property and maintained in accordance with applicable housing  
26 code and construction code standards shall not be acquired under  
27 this subsection; and

28        (b) Private property within a redevelopment area that is not  
29 itself in need of redevelopment shall not be taken for the use of, or  
30 transfer to, a private entity for economic development purposes  
31 pursuant to this subsection.

32        d. Clear any area owned or acquired and install, construct or  
33 reconstruct streets, facilities, utilities, and site improvements  
34 essential to the preparation of sites for use in accordance with the  
35 redevelopment plan.

36        e. Prepare or arrange by contract for the provision of  
37 professional services and the preparation of plans by registered  
38 architects, licensed professional engineers or planners, or other  
39 consultants for the carrying out of redevelopment projects.

40        f. Arrange or contract with public agencies or redevelopers for  
41 the planning, replanning, construction, or undertaking of any  
42 project or redevelopment work, or any part thereof; negotiate and  
43 collect revenue from a redeveloper to defray the costs of the  
44 redevelopment entity, including where applicable the costs incurred  
45 in conjunction with bonds, notes or other obligations issued by the  
46 redevelopment entity, and to secure payment of such revenue; as  
47 part of any such arrangement or contract, provide for extension of  
48 credit, or making of loans, to redevelopers to finance any project or

1 redevelopment work, or upon a finding that the project or  
2 redevelopment work would not be undertaken but for the provision  
3 of financial assistance, or would not be undertaken in its intended  
4 scope without the provision of financial assistance, provide as part  
5 of an arrangement or contract for capital grants to redevelopers; and  
6 arrange or contract with public agencies or redevelopers for the  
7 opening, grading or closing of streets, roads, roadways, alleys, or  
8 other places or for the furnishing of facilities or for the acquisition  
9 by such agency of property options or property rights or for the  
10 furnishing of property or services in connection with a  
11 redevelopment area.

12 g. Except with regard to property subject to the requirements of  
13 P.L.2008, c.65 (C.40A:5-14.2 et al.), lease or convey property or  
14 improvements to any other party pursuant to this section, without  
15 public bidding and at such prices and upon such terms as it deems  
16 reasonable, provided that the lease or conveyance is made in  
17 conjunction with a redevelopment plan, notwithstanding the  
18 provisions of any law, rule, or regulation to the contrary.

19 h. Enter upon any building or property in any redevelopment  
20 area in order to conduct investigations or make surveys, sounding or  
21 test borings necessary to carry out the purposes of this act.

22 i. Arrange or contract with a public agency for the relocation,  
23 pursuant to the "Relocation Assistance Law of 1967," P.L.1967,  
24 c.79 (C.52:31B-1 et seq.) and the "Relocation Assistance Act,"  
25 P.L.1971, c.362 (C.20:4-1 et seq.), of residents, industry or  
26 commerce displaced from a redevelopment area.

27 j. Make, consistent with the redevelopment plan: (1) plans for  
28 carrying out a program of voluntary repair and rehabilitation of  
29 buildings and improvements; and (2) plans for the enforcement of  
30 laws, codes, and regulations relating to the use and occupancy of  
31 buildings and improvements, and to the compulsory repair,  
32 rehabilitation, demolition, or removal of buildings and  
33 improvements.

34 k. Request that the planning board recommend and governing  
35 body designate particular areas as being in need of redevelopment  
36 or rehabilitation in accordance with the provisions of this act and  
37 make recommendations for the redevelopment or rehabilitation of  
38 such areas.

39 l. Study the recommendations of the planning board or  
40 governing body for redevelopment of the area.

41 m. Publish and disseminate information concerning any  
42 redevelopment area, plan or project.

43 n. Do all things necessary or convenient to carry out its powers.  
44 (cf: P.L.2013, c.159, s.3)

45

46 5. Section 14 of P.L.1992, c.79 (C.40A:12A-14) is amended to  
47 read as follows:

48 14. a. A delineated area may be determined to be in need of

1 rehabilitation if the governing body of the municipality determines  
2 by **【resolution】 ordinance** that a program of rehabilitation, as  
3 defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be  
4 expected to prevent further deterioration and promote the overall  
5 development of the community; and that there exist in that area any  
6 of the following conditions such that (1) a significant portion of  
7 structures therein are in a deteriorated or substandard condition; (2)  
8 more than half of the housing stock in the delineated area is at least  
9 50 years old; (3) there is a pattern of vacancy, abandonment or  
10 underutilization of properties in the area; (4) there is a persistent  
11 arrearage of property tax payments on properties in the area; (5)  
12 environmental contamination is discouraging improvements and  
13 investment in properties in the area; or (6) a majority of the water  
14 and sewer infrastructure in the delineated area is at least 50 years  
15 old and is in need of repair or substantial maintenance. Where  
16 warranted by consideration of the overall conditions and  
17 requirements of the community, a finding of need for rehabilitation  
18 may extend to the entire area of a municipality. Prior to adoption of  
19 the **【resolution】 ordinance**, the governing body shall submit it to  
20 the municipal planning board for its review. Within 45 days of its  
21 receipt of the proposed **【resolution】 ordinance**, the municipal  
22 planning board shall submit its recommendations regarding the  
23 proposed **【resolution】 ordinance**, including any modifications  
24 which it may recommend, to the governing body for its  
25 consideration. Thereafter, or after the expiration of the 45 days if  
26 the municipal planning board does not submit recommendations, the  
27 governing body may adopt the **【resolution】 ordinance**, with or  
28 without modification. The **【resolution】 ordinance** shall not become  
29 effective without the approval of the commissioner pursuant to  
30 section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required  
31 pursuant to that section.

32 b. A delineated area shall be deemed to have been determined  
33 to be an area in need of rehabilitation in accordance with the  
34 provisions of this act if it has heretofore been determined to be an  
35 area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-  
36 3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979,  
37 c.233 (C.54:4-3.121 et al.).

38 c. (1) A municipality may adopt an ordinance declaring a  
39 renovation housing project to be an area in need of rehabilitation for  
40 the purposes of Article VIII, Section I, paragraph 6 of the New  
41 Jersey Constitution if the need for renovation resulted from  
42 conflagration.

43 (2) For the purposes of this subsection, "renovation housing  
44 project" means any work or undertaking to provide a decent, safe,  
45 and sanitary dwelling, to exclusively benefit a specific household,  
46 by the renovation, reconstruction, or replacement of the household's  
47 home on the same lot by either a charitable entity organized to  
48 perform home renovations or by a for-profit builder using 75% or

1 more volunteer labor-hours to accomplish the construction for the  
2 project. The undertaking may include any buildings; demolition,  
3 clearance, or removal of buildings from land; equipment; facilities;  
4 or other personal properties or interests therein which are necessary,  
5 convenient, or desirable appurtenances of the undertaking.

6 d. (1) A municipality may adopt an ordinance declaring a  
7 renovation housing project to be an area in need of rehabilitation for  
8 the purposes of Article VIII, Section I, paragraph 6 of the New  
9 Jersey Constitution if at least half of the number of people  
10 occupying the dwelling as their primary residence qualify for a  
11 federal income tax credit pursuant to 26 U.S.C. s.22 as a result of  
12 being permanently and totally disabled and the improvements to be  
13 made to the dwelling are made substantially to accommodate those  
14 disabilities.

15 (2) For the purposes of this subsection, "renovation housing  
16 project" means any work or undertaking to provide a decent, safe,  
17 and sanitary single-family dwelling, to exclusively benefit at least  
18 half of the number of people occupying a dwelling as their primary  
19 residence, by the renovation, reconstruction, or replacement of that  
20 dwelling on the same lot by either a charitable entity organized to  
21 perform home renovations or by a for-profit builder using 75% or  
22 more volunteer labor-hours to accomplish the construction for the  
23 project. The undertaking may include any buildings; demolition,  
24 clearance, or removal of buildings from land; equipment; facilities;  
25 or other personal properties or interests therein which are necessary,  
26 convenient, or desirable appurtenances of the undertaking.  
27 (cf. P.L.2013, c.159, s.4)  
28

29 6. (New section) a. Prior to undertaking any action to acquire  
30 any property by condemnation within an area in need of  
31 redevelopment or an area in need of rehabilitation, the  
32 redevelopment entity shall make a declaration of public purpose,  
33 which shall be by ordinance if the redevelopment entity is a  
34 municipality, or by resolution if the redevelopment entity is an  
35 entity authorized by the governing body of the municipality  
36 pursuant to subsection c. of section 4 of P.L.1992,  
37 c.79 (C.40A:12A-4).

38 b. Regardless of whether the redevelopment entity is the  
39 municipality or another entity designated by the municipality, the  
40 declaration of public purpose shall occur only upon proper  
41 notification having been provided not less than 14 days prior to the  
42 first reading of the ordinance or introduction of the resolution, as  
43 the case may be. If the municipality is the redevelopment entity,  
44 publication shall occur pursuant to R.S.40:49-2. If the municipality  
45 has designated another entity as the redevelopment entity, a copy of  
46 the intent to adopt a declaration of public purpose shall be  
47 published in a newspaper of general circulation in the municipality.

48 c. In addition to the publication requirements in subsection b.

1 of this section, a copy of the notice shall be sent by certified mail at  
2 least 14 days prior to the date set for the hearing to the last owner of  
3 each parcel of property subject to the declaration of public purpose  
4 according to the assessment records of the municipality. A notice  
5 shall also be sent to all persons, at their last known address, whose  
6 names are noted on the assessment records as claimants of an  
7 interest in any such parcel. The assessor of the municipality shall  
8 make a notation upon the records when requested to do so by any  
9 person claiming to have an interest in any parcel of property in the  
10 municipality.

11 d. A declaration of public purpose shall set forth, in detail, the  
12 public purposes for which the condemnation action is being  
13 undertaken by the redevelopment entity.

14  
15 7. This act shall take effect immediately.

16

17

18

**STATEMENT**

19

20 This bill would tighten the requirements for the use of the power  
21 of eminent domain (condemnation) for redevelopment purposes.  
22 Specifically, within a redevelopment (blighted) area, the power of  
23 eminent domain could not be used to condemn a property that is  
24 legally occupied as residential property and maintained in  
25 accordance with applicable housing code and construction code  
26 standards. This bill would prevent the taking of private property,  
27 private homes and other residential units, by condemnation, to  
28 accomplish private economic development objectives, such as the  
29 construction of non-public office buildings, mega-stores, and  
30 shopping centers. In those cases, the acquisition of private property  
31 that is not in need of redevelopment would have to be accomplished  
32 through a fair market sale.